

ESTTA Tracking number: **ESTTA291260**

Filing date: **06/23/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|---|
| Proceeding | 92050966 |
| Party | Defendant Golden Vision Flower Inc. |
| Correspondence Address | Golden Vision Flower Inc. 2809 West Kelly Park Road Apopka, FL 327125125 UNITED STATES |
| Submission | Answer |
| Filer's Name | jeffrey s. dawson |
| Filer's e-mail | jdawson@jdawsonlaw.com |
| Signature | /jeffrey s. dawson/ |
| Date | 06/23/2009 |
| Attachments | answer.pdf (2 pages)(43043 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atlas Flowers, Inc., d/b/a Golden
Flowers,

Petitioner,

v.

Cancellation No. 92050966

Golden Vision Flower, Inc.

Registrant.

ANSWER AND AFFIRMATIVE DEFENSES

Registrant, Golden Vision Flower, Inc., answers Petitioner's Petition for Cancellation, and states:

1. Registrant is without sufficient information to admit or deny the allegation.
2. Registrant is without sufficient information to admit or deny the allegation.
3. Registrant is without sufficient information to admit or deny the allegation.
4. Denied.
5. Denied.
6. Denied.

First Affirmative Defense

7. If Petitioner has any rights in the mark Golden Flowers such rights are narrow in scope in view of third party uses and registrations directed to marks which include the names Golden and Flowers.

Second Affirmative Defense

8. The inclusion of the term Vision in Registrant's mark creates a distinctly different impression and meaning on the public thereby reducing or eliminating any reasonable likelihood of confusion.

Third Affirmative Defense

9. The parties' historical use of their respective marks confirms that there is no reasonable likelihood of confusion as the parties have harmoniously used their marks simultaneously.

Fourth Affirmative Defense

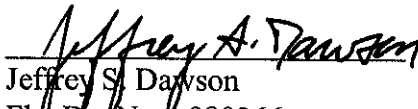
10. Petitioner's request for cancellation should be denied as it was constructively aware of Registrant's registration and use of its marks and failed to take any action to prevent said use. Accordingly, Registrant continued to use its marks and has developed substantial goodwill with its mark. Cancellation of its mark would cause damage to Registrant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer has been furnished via U.S. Mail on June 23, 2009 to Caroline G. Boehm, 488 Madison Avenue, New York, NY 10022.

CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing Answer is being filed with the Trademark Trial and Appeal Board through the ESTTA system on June 23, 2009.


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